IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2819 OF 2004

Smt. Shilabai Baban Khaladkar
and ors. ..Petitioners

Vs.

The State of Maharashtra and ors. ..Respondents

Mr. S.S. Swadi with Mr. S.G. Deshmukh for petitioners.
Mrs.M.P. Thakur, AGP for State.

CORAM: B.H. MARLAPALLE & NARESH H. PATIL,JJ.

Date : October 11, 2006.

P.C.:

1. Heard Mr. Swadi with Mr. Deshmukh the learned counsel for the petitioners, who alleged that their agricultural lands from old Gat No.270 and present Gat No.156 admeasuring 3 Hectares and 77 Ares from Gaothan of village Nangaon, Taluka Daund was acquired and handed over to respondent nos.3 to 18 by way of their resettlement and the said acquisition being illegal, is prayed to be set aside.

2. The Special Land Acquisition Officer No.19, Pune District has filed affidavit in reply and has

stated that the land admeasuring 3 Hectares and 77 Ares from old Gat No.270 and the new Gat No.156 has never been acquired by the State Government at any point of time and what has been acquired is the land from Gat No.164 and that too by following the due process of law. However, this petition does not concern the land acquired from Gat No.164.

3. If it is the case of the petitioners that as on today the respondent nos.3 to 18 are the occupants on their family land and when the Government has clearly stated that it has not acquired the said land and, therefore, the question of allotment to third party does not arise, remedy for the petitioners may be somewhere else and not in this writ petition.

4. Hence, the petition is rejected summarily with liberty as is available in law.

(Naresh H. Patil, J.) **(B.H. Marlapalle,J.)**